

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

KARLOS BOBO,
Plaintiff

vs

D. MCCROSKY, et al.,
Defendants

Case No. 1:12-cv-842

Dlott, J.
Bowman, M.J.

**REPORT AND
RECOMMENDATION**

This matter is before the Court on plaintiff's motion to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a)(1). (Doc. 5). Plaintiff's trust fund account statement shows he has \$411.80 in his prison account. Accordingly, the Court is unable to conclude from plaintiff's motion and trust fund account statement that he is without sufficient funds to pay the full filing fee of \$350.00 in order to institute this action. *See Adkins v. E.I. DuPont De Nemours & Co., Inc.*, 335 U.S. 331, 339 (1948). Therefore, plaintiff's motion to proceed *in forma pauperis* should be denied.

IT IS THEREFORE RECOMMENDED THAT:

1. Plaintiff's motion to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a)(1) be **DENIED**. (Doc. 5).

2. If this Report and Recommendation is adopted, that plaintiff be **GRANTED** an **EXTENSION OF TIME** of thirty (30) days to pay the required filing fee of \$350.00. Plaintiff's complaint shall not be deemed "filed" until the appropriate filing fee is paid. *See Truitt v. County of Wayne*, 148 F.3d 644, 648 (6th Cir. 1998). If plaintiff fails to pay the filing fee within this time limit this matter should be closed.

s/ Stephanie K. Bowman
Stephanie K. Bowman
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).